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Wm. S. Simpson

GENERAL GRANT'S

UNPUBLISHED CORRESPONDENCE

IN THE CASE OF

GEN. FITZ-JOHN PORTER.

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PREFATORY NOTE.

General Grant, from 1866 to 1876, was successively General-in-Chief, Secretary of War, and President. While holding these positions applications were made to the President by Fitz-John Porter for a rehearing of his case, upon new testimony not attainable during the trial before the court-martial, and which could only be obtained after the war was ended. All of these applications were presented to General Grant.

Porter's first appeal was indorsed by ex-Presidents, a judge of the Supreme Court, who had been present at the trial, and by other able jurists. It was also strongly recommended by Senators, Representatives in Congress, Governors, Generals, and other officers in the army, and was sustained by undoubted evidence of officers who had been high in command in the Confederate Army and present at the time of the occurrence of the events which were involved in Porter's trial. The President favored the appeal, and Acting Secretary of War General Grant, (then general) without whose approval Porter would not have asked for a reopening of the case, so far coincided as to say to Porter that he should return to his home, where, in four days, he would receive the order for a Board, "*to meet at West Point, where all improper influences would have to go and would be discovered.*"

So convinced of the justice of Porter's claim was General Grant—this soldier then highest in command in the army, and since twice honored with the highest trust in the Nation's gift—that he said of Porter: "Not only ought he to have the rehearing, but every member of the court which sentenced him should be glad to have the opportunity to join in the appeal;" and also, if "injustice has been done by the finding of the court, resulting in a severe sentence, damaging him professionally and otherwise, every opportunity which the law allows should be given to exculpate himself."

However, Grant had faith in the integrity of his former ^{school} classmate, the prosecutor and principal witness against Porter, and believed that a court-martial, composed of officers of high rank, some of whom were of known ability and honor, could not have been deceived. He yielded to the importunate expostulations of the prosecutor and to the statements of officials on whom he felt he could rely, and withheld the order.

While Grant was President the correspondence ceased between him and Porter, except the presentation of appeals by Porter, which were

unheeded. The correspondence which was renewed between them in September, 1881, is here presented, except such as has already been published, so far as it relates to Porter's case, from the first appeal in 1866 to the date of Grant's fatal illness. It exhibits those traits in General Grant's character which will commend him at all times to the admiration of his countrymen—his confiding trust in those from whom he had the right to expect honest information and advice, and his firmness in conscientious performance of duty to the Government. He supposed Porter justly condemned, and, acting upon this supposition, which he based upon the information derived from the statement and advice of others, he refused to make an order, which, in his desire to render justice to an old comrade, he had promised should be made.

But the correspondence exhibits him in a still better and grander aspect. When he had time to examine for himself the merits of the case, he rose superior to all selfish motives, quickly saw the errors into which he had fallen, and with all the noble instincts of his nature continuously labored to correct his former mistake and to remove a burden which he now saw had been so unjustly placed on an innocent man.

Grant felt keenly the injustice he had so unwittingly done to Porter, and he strove to the utmost of his ability to undo the wrong. He took no undecided step in this direction; no half-way measures would answer his purpose, so he threw himself with all the energy of his determined nature into the case, and made no uncertain sound.

Under these circumstances these letters are worthy of the highest credence. The writer, the earnestness of his purpose, the integrity of his intention, the facts which impelled him to write as he did, stamp his utterances with the divine impress of truth. One who could thus act and thus write must be believed.

THE CORRESPONDENCE.

NEW YORK, September 8, 1866.

General ULYSSES S. GRANT, *Washington City :*

GENERAL—Flattering myself that the result of my trial by court-martial, in 1863, was not passed unnoticed by you, and believing that you would take pleasure in being instrumental in discovering any erroneous finding and in remedying any wrong resulting from it, I take the liberty of asking the favor to aid by a letter to the President of the United States, or in whatever manner you may deem best, in effecting, by his authority, a re-examination of the proceedings of my court-martial, and if agreeable to you, making known your action to the Hon. Reverdy Johnson, for use at such time as he may deem most proper.

Though conscious of innocence of any criminality, such as alleged against me, and of all intentional wrong-doing, and knowing of erroneous finding, I cannot expect or ask others to be convinced without an examination of the evidence or a presentation by unprejudiced authority ; but having to a certain date an unblemished record of no ordinary services, well and faithfully performed, to my country, it might be presumed that, ever careful of my honor, I could not have been reckless of my fame, upon which hang all the hopes of wife, children, and relatives, and connected as it may be with the history and destiny of my country, and I trust such a record and inference may have weight in causing a reconsideration of the proceedings of my court-martial with a view of ascertaining any wrong resulting from erroneous finding, and remedying it if any be found.

In the hope my appeal may meet with a favorable response,

I am, General, with high respect,

Your obt. ser.,

F. J. PORTER.

HEADQUARTERS ARMIES OF THE UNITED STATES, }
WASHINGTON, D. C., October 1, 1866. }

FITZ-JOHN PORTER, *Esq., late U. S. Army :*

SIR — General Grant directs me to acknowledge the receipt of your letter of September 22d, and also that of September 24th, with its inclosure, all relating to your restoration to the army. He instructs me to say that in all cases where application has been made for his interference, based on the supposition that some previous action of the Government has been incorrect, and such previous action occurred prior to his taking command of the

army, he has considered it his duty to decline the interference. In your case the reasons are still stronger, as no change has occurred in the office of Secretary of War since the action of which you complain, and the Secretary is the authority that General Grant would assume to judge, if he should attempt a compliance with your request.

He therefore considers himself bound to abide by the rule already laid down to interfere with the action of no administration, occurring prior to his command of the army.

I am, sir, very respectfully your obedient servant,

ADAM BADEAU,
Col. and A. D. C.

HEADQUARTERS ARMIES OF THE U. S. }
September 10, 1867. }

GENERAL—Your note of this evening, together with one from Admiral Porter, asking to see me relative to some business of interest to yourself, is received. I would be pleased to see you at my house this evening, but I am just starting out and I will not return until late. I will see you, however, at the War Office at any hour you please to call after 10 A. M. to-morrow.

Yours, etc.,

U. S. GRANT.

Gen. FITZ-JOHN PORTER,
Willard's Hotel, Washington, D. C.

The application referred to below was Porter's appeal of 1867 to President Johnson, sustained by the appealing letters and indorsements of Ex-Presidents Fillmore and Pierce, Judge Curtis, Senators Wilson, Foster, Sherman, Harris, Governor Curtin, Governor Winthrop, Horace Greeley, General Banks, Edward Everett, and others.

WAR DEPARTMENT, September 13, 1867.

Before any consideration should be given to the within application of Fitz-John Porter for the reconsideration of the proceedings and sentence of a court-martial which convicted him of high crimes against the United States, it is manifestly proper that he should "demonstrate to the satisfaction of the authorities his ability to controvert by new evidence the testimony on which he was convicted." If injustice has been done him by the findings of the court, resulting in a severe sentence, damaging to him professionally and otherwise, every opportunity which the law allows should be given to Mr. Porter to exculpate himself. But no such testimony is presented with these papers, and until it shall be, and of a satisfactory character, no action in the case is recommended.

(Sgd)

U. S. GRANT,

Secretary of War ad interim.

WASHINGTON CITY, September 18, 1867.

To Gen'l U. S. GRANT, Secretary of War :

GENERAL—In my interview this morning I understood that before acting on my appeal you desired the opinion of the Attorney-General upon certain points relating to the powers of the President of the United States to grant a re-examination.

I infer from this that if no such power existed, a recommendation on your part would be useless.

While I have no reason to believe that the points in question have ever been presented to the consideration of the Attorney-General, I have no doubt of a favorable decision, and that the object of my appeal can be accomplished without in any manner compromising the rights of any one, or of the Government.

That no misunderstanding may exist, I repeat that my aim is to vindicate my honor, and to relieve myself of the burdens of a severe sentence. This I am confident I can accomplish in the most satisfactory manner to the Government and myself before a court-martial, court of inquiry, board or whatever it may be termed, composed, as far as available, of the best talent of the army, which, under rules governing courts-martial shall decide on the merits of the case, by duly considering all the old and new testimony combined, giving to witnesses whom it may be desirable to call an opportunity to amend or reaffirm their recorded evidence, and accepting all other evidence as it stands, the action of the court to be advisory, so far as I am concerned.

If any such action as is indicated by your questions should be deemed necessary in order to secure the investigation I desire now, as I did verbally to-day, to disclaim all idea, present and future, of availing myself of any rights which might thus be acquired, other than would be essential to conduct the investigation.

Cases like mine, on presentation of a just claim, or reasonable grounds to suppose it just, have been reopened and decided upon by the War Department.

I could not ask you to devote your time to an examination of the case, nor could I presume, in calling for satisfactory evidence to substantiate my claim, that you desired to prejudge it, yet, as I said to-day, if you would be the arbiter, I would be glad of the opportunity to present the whole matter.

In order that my wishes may be fully before the President, I respectfully request that this letter may be forwarded to be placed with the other papers.

I am, General,

With high respect,

Your obedient servant,

FITZ-JOHN PORTER.

WAR DEPARTMENT, September 19, 1867.

There is no case like this on record in the War Department.

The application calls for a decision which, whatever its nature, will be very important in its effects on the public service. It is therefore recommended that the application be referred to the Attorney-General for his opinions on the following points :

Is there authority to try a second time by a military court a person whose case has been regularly and finally disposed of according to law, and after he has been dismissed and been out of the military service for a number of years ?

If so, what preliminary proceedings are necessary to make such a court legal ?

Especially in what mode should the person applying for a second trial be required to demonstrate that he possesses new and additional evidence of a kind which will enable him to prove his innocence of the charges on which he was dismissed ?

Should not the witnesses on whom he professes to rely be required to make oath that they will, on the trial asked for, give the evidence they now state they can give ?

In view of his familiarity with the laws and usages which govern the administration of military justice, it is suggested that the views of the Judge Advocate-General of the Army on the foregoing points be submitted to the Attorney-General.

Respectfully,

U. S. GRANT.

These documents and the evidence in support of Porter's appeal were submitted to the Attorney-General, from whose files they soon disappeared, together with all traces of their having been in his hands, except the recording books, "Porter's appeal." They were never found. Copies of these documents are now on file in the War Department.

EXECUTIVE MANSION,
WASHINGTON, D. C., February 27, 1869. }

Gen. FITZ-JOHN PORTER, *Washington, D. C. :*

SIR—In reply to your request to have properly filed, for early reference, your application and accompanying papers for a reexamination of your case, I am instructed to inform you that all the papers were received in September, 1867, and referred to the Attorney-General, between whose office and this they seem to have become mislaid. Search will be made for them, and when found, they will be properly referred, or returned to you if desired.

Very respectfully,

Your obedient servant,

WM. G. MOORE,

Secretary.

The appeal, with increased evidence, was renewed in June, 1869, and again in 1874. But no action was taken upon either of them by Gen. Grant, nor was he appealed to prior to September, 1881, after the decision of the Schofield-Terry-Getty Board.

NEW YORK, September 17, 1881.

Gen. U. S. GRANT, *Long Branch, N. J.* :

DEAR GENERAL—I have been told that you have entertained and sometimes expressed opinions reflecting upon the integrity of my military acts while in the army. While I have always been unwilling to believe these reports, I cannot help taking them to heart, as I am willing to acknowledge that it would be a matter of wonder if you did not entertain opinions adverse to me, considering the light under which you may have expressed them.

Desirous always of having the good opinion of an eminent soldier, but only through his honest convictions of my worthiness of it, I would be very glad and highly gratified, if, at a time and place convenient to you, you would favor me with an interview and an opportunity of presenting facts to meet any objection you may have to my acts, hoping as I do to remove all such unfavorable impressions, and believing that, if I can do so, it would be none the less gratifying to you.

Believe me very respectfully yours,

F. J. PORTER.

NEW YORK, September 27, '81.

Gen. F. J. PORTER, 119 *Liberty street, N. Y.*

DEAR GENERAL—Your letter of the 17th of September was handed to me at Long Branch the day after the death of the President. Since that time I have had no opportunity of seeing you, and hence have deferred writing until this time. For a few days I will be so busily employed that I am not able now to appoint a time for the conference which you desire to have with me, but as soon as I can fix a day I will take great pleasure in doing so, and will hear what you have to say in regard to the matter alluded to in your letter, and will endeavor to listen without prejudice, and if convinced that I was wrong in former opinions entertained, and possibly expressed, I would be willing to correct them.

Very truly yours,

U. S. GRANT.

NEW YORK, October 31, 1881.

Gen. F. J. PORTER, *Office N. Jersey Central R. R.* :

DEAR GENERAL—Since my letter to you I have been so busy with correspondence and callers each day that I have not been able to designate

a particular time to see you. If you will call any day, however, at my office, 90 Broadway, about 11 o'clock, I will give you the interview desired, and will keep persons from coming in my office during the time you are with me

Very truly, yours,

U. S. GRANT.

NOVEMBER, 19, 1881.

DEAR GEN.—I am in receipt of yours of this date, with copy of Gen. Terry's letter. I have read the letter. It is manly, to say the least, and I exonerate you so far as the judgment of one—and a very intelligent—member of the court goes. I will destroy the copy of Gen. Terry's letter which you sent me.

Very truly yours,

U. S. GRANT.

Gen. F. J. PORTER.

Congress was about to meet. Porter was anxious to have General Grant's decision at an early day, as upon it depended whether his renewed appeal should be made through the President or direct to Congress. He therefore sent the following note :

NEW YORK, December 1, 1881.

Gen. U. S. GRANT :

GENERAL—I would be glad of an interview with you to-day, if agreeable, or tomorrow, if more convenient to you.

Yours truly,

F. J. PORTER.

This note was returned, endorsed as follows :

I will be glad to see you at any time you may call, but your papers I carried to my house to go over carefully, but as to yet I have had company every evening at the house—the only time I am there—so I have not yet examined them sufficiently to say anything. I think I can safely say, however, that you will not meet with opposition from me in obtaining relief from the odium of your sentence. After examining the papers before me—which I will do within a few days, if I have to shut myself up for the purpose—if my judgment convinces me that you have been wronged, I will say so.

U. S. GRANT.

The interview did not take place; Porter preferring to wait till the General had formed his convictions.

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NEW YORK, November 4, 1881.

DEAR GENERAL—If, after you have read the report of the Board and my letter to Gen. Cox, you should need any further light or information or proof to sustain anything put forth by the Board or by me, I shall be very glad to give it. Yesterday, I saw plainly that your impressions of the facts in the case were incorrect, and I am anxious that you should see the facts in their true light, and the more so as the matter was once in your hands to act upon, but you did not act upon, I presume, because of such impressions as you expressed yesterday.

I will try to present my case to you clearly and dispassionately, believing that you will receive them as dispassionately and free from prejudice and with as great a desire to undo any wrong unintentionally done, as you would have done right in the first case.

My statement sent to you yesterday, was mainly written in 1863, added to, as time sustained my views, by proofs, and but slightly altered by my counsel for presentation to the Schofield Board. The foot notes were added after the adjournment of the Board, and when the Senate was printing the proceedings.

My case will come before Congress at the opening of the Session. It will, as long as I live, and till adjusted, be before the Government. I have always believed and felt that it was the duty of the Administration to adjust it under present laws, by one simple Administrative act, and a nomination to the Senate, and to satisfy the Administration of the justice of its act in so doing. I have always sought, as you know, the decision of a Board of Army officers, skilled in war and of undoubted integrity, and, if you will recollect, that when Act. Sec. of War, I offered then to submit the whole matter to you and abide your decision, after consideration of the evidence.

I did hope that the last Administration, after giving me the Board, and receiving the result of their deliberations, would have given to me as they did to Dr. Hammond, their favorable action. The Board's deliberately expressed convictions, that the Court-martial had been led by misinformation into errors, and that I was free from all blame, and more than that, and also that it laid no blame upon any one for the wrong under which I, as well as all I hold dear, had suffered many years, I had hoped would have caused the powers that then were to have done what was just, to have at once carried out the recommendations of the Board by one simple act of authority and of law, and a nomination to the Senate, and have thus saved the country the spectacle of a partisan discussion and support of injustice now made manifest.

Pardon these lines if I have gone too far, and consider them the excess of zeal of one whose aim of life is to vindicate his name from reproach for

his own sake, the sake of wife and children, the sake of the army, the country and the government, which he offered his life on many fields to sustain, and believe me,

Respectfully, yours,

F. J. PORTER.

GEN. U. S. GRANT—I enclose a copy of my defense before the Court-martial, written by Mr. Eames and prepared from the imperfect evidence of fact on the record ; but at that time, with the obstacles thrown in the way of getting evidence—all the evidence I could bring forward—it is substantially the same argument as now made.

Yours respectfully,

F. J. PORTER.

NEW YORK, November 9, 1881.

GEN. U. S. GRANT :

DEAR GENERAL—I intended, but accidentally omitted, sending you the other day the map referred to in my letter to Gen. Cox.

Gen. Cox's letter to Gen. Garfield, and all our correspondence, though in some degree private, are at your service to read if you desire them.

I have nothing to conceal and am ready to prove my unwavering loyalty and integrity wherever properly called into question.

Yours, truly and respectfully,

F. J. PORTER.

DECEMBER 9, 1881.

Gen. F. J. PORTER :

DEAR GEN.—I have been able to give some days to the reading of the papers which you submitted to me, but have not finished them. If you will call, say next Monday, about eleven o'clock, I will be pleased to see you. I can say now, however, from what I have read, I believe I have heretofore done you an injustice, both in thought and speech, and if of the same opinion when through the examination of your case I will regard it a most solemn obligation on my part to correct the wrong so far as I have any responsibility for it.

Very truly yours,

U. S. GRANT.

 NEW YORK CITY, Dec. 19, 1881.
General F. J. PORTER :

DEAR GENERAL—I am through reading the papers you submitted to me, and will be ready to meet you any morning at about 11 A. M. after to-morrow. I have seen nothing to change the views I expressed to you in our last conversation.

Very truly yours,

U. S. GRANT.

 NEW YORK, Dec. 23, 1881.
Gen. F. J. PORTER, New York :

DEAR SIR—I send you by the bearer the letter to the President, which I hope is satisfactory, and which I expect to follow up by such course as circumstances hereafter may dictate as necessary and proper. I sincerely hope that the day is not distant when you will receive the justice which I feel sure is due to you.

I will be pleased if you will send me a copy of the proceedings of the Board, as published by the Senate.

Truly yours,

U. S. GRANT.

 NEW YORK, Dec. 22, 1881.
The President, Washington, D. C. ;

DEAR SIR—At the request of Gen. Fitz-John Porter I have recently reviewed his trial and the testimony furnished before the Schofield Court of Inquiry held in 1879, giving to the subject three full days of careful reading and consideration, and much thought in the intervening time. The reading of the whole of this record has thoroughly convinced me that for these nineteen years I have been doing a gallant and efficient soldier a very great injustice in thought, and sometimes in speech. I feel it incum-

bent upon me now to do whatever lies in my power to remove from him and from his family the stain upon his good name. I feel this the more encumbent upon me than I should if I had been a corps commander only, or occupying any other command in the Army than the one which I did; but as General I had it possibly in my power to have obtained for him the hearing which he only got at a later day, and as President I certainly had the power to have ordered that hearing. In justification for my injustice to Gen. Porter, I can only state that shortly after the war closed, his defense was brought to my attention, but I read it in connection with a sketch of the field where his offenses were said to have been committed, which I now see, since perfect maps have been made by the Engineers' Department of the whole field, were totally incorrect as showing the position of the two armies. I also read it in connection with statements made on the other side, against Gen. Porter, and I am afraid possibly with some little prejudice in the case—although Gen. Porter was a man whom I personally knew and liked before; but I got the impression, with many others, that there was a half-hearted support of Gen. Pope in his campaigns, and that Gen. Porter, while possibly not more guilty than others, happened to be placed in a position where he could be made responsible for his indifference, and that the punishment was not a severe one for such an offense. I am now convinced that he rendered faithful, efficient and intelligent service, and the fact that he was retained in command of a corps for months after his offenses were said to have been committed, is in his favor.

What I would ask in Gen. Porter's behalf from you is, that if you can possibly give the time, that you give the subject the same study and thought that I have given it, and act then as your judgment may dictate. But, feeling that you will not have the time for such an investigation (for it will take several days' time), I would ask that the whole matter be laid before the Attorney-General for his examination and opinion.

Hoping that you will be able to do this much for an officer who has suffered, for nineteen years, a punishment that never should be inflicted upon any but the most guilty,

I am, very truly yours,

U. S. GRANT.

DECEMBER 27, 1881.

Gen. F. J. PORTER :

DEAR GENERAL—I hardly know how to advise in regard to the best time to present your petition to the President. I presume the Senator (Sewell) could see the President at the hour named, one o'clock. But the chances are he would have no opportunity to converse with him privately. I am very desirous of talking to him myself about your matter, and my

conclusions regarding the wrong you have been suffering, and called yesterday on him; but others were in the room all the time I was there. I shall endeavor to get an opportunity to tell him about my letter to him on your matter before he returns.

You can judge as well as I can whether it is better to have Senator Sewell call here or not.

Very truly yours,

U. S. GRANT.

General PORTER :

Please read enclosed letter and then have it dropped in the mail.

U. S. G.

NEW YORK CITY, December 30, 1881.

MY DEAR GENERAL—I have your letter of yesterday. It is true that I have re-examined the proceedings of the court marshal and court of inquiry of Fitz-John Porter's case, and believe sincerely that I have done him an injustice, and have so written to the President. When I gave General Porter the letter I requested him to send you a copy. If he has not done so he will, or I will. That letter will explain all that I would otherwise write you on this subject. I reluctantly came to the conclusions I did, but was convinced beyond all preconceived notions, and felt it due to an accused man to say so.

Very truly yours,

U. S. GRANT.

Gen. J. A. LOGAN,
U. S. Senate.

NEW YORK CITY, January 23, 1882.

The President :

I take pleasure in presenting Governor Randolph, of New Jersey, who visits Washington, no doubt, principally in reference to rendering a service to General F. J. Porter. He desires to meet you personally, and I give him this letter cheerfully requesting that he may have that pleasure. Of course, I know a letter from me is not necessary to secure this favor, because, as Governor of a neighboring State, and as representative of his State in the United States Senate, you know him in a public capacity. But, as I feel myself somewhat responsible for General Porter's long suffering, I ask an interview with one of his personal friends to the end that you may consult as to the best method of reaching a just and practical solution of the Porter case, if you should look upon the matter as I do.

Very truly yours,

U. S. GRANT.

NEW YORK CITY, February 4, 1882.

Gen. F. J. PORTER:

DEAR GENERAL—I send you my letter to Senator Cameron. Please read it and mail, unless you have suggestions to make of alterations or additions. My whole object now is to benefit you, and to this end I am willing to do anything that is truthful.

Very truly yours,

U. S. GRANT.

NEW YORK, February 4, 1882.

Hon. J. D. CAMERON, *U. S. Senate, Washington, D. C.:*

DEAR SIR—It has been my intention, until within the last few days, to visit Washington this winter, to spend some time, and, there, to have a conversation with you and with Gen. Logan on the subject of the Fitz-John Porter case; but, having now pretty nearly decided not to go to Washington, I have determined to write, and write to you, so that you may state my position to your friends, and particularly to General Logan, and, if you choose, show this letter to any such people.

When I commenced the examination of the Fitz-John Porter case, as it now stands, it was with the conviction that his sentence was a just one, and that his punishment had been light for so hideous an offense; but I tried to throw off all prejudice in the case and to examine it on its merits. I came out of that examination with the firm conviction that an entirely innocent man had been most unjustly punished. I cast no censure upon the court which tried him, because the evidence which now proves his entire innocence of disobedience of orders it was impossible to have before that court.

When I completed the investigation, and came to the conclusion that I did—of his innocence—my first thought was to write to General Logan, because I regard him as my friend, and I am sure I am his, and he had made probably the ablest speech of his life in opposition to the bill for Gen. Porter's restoration to the army. I thought, therefore, that it was due to him that I should inform him of the conclusion that I had come to after the investigation. But, as the President was just about visiting this city when my letter to him was written, and it was desired to present it to him here, I requested Gen. Porter, in lieu of a letter to Gen. Logan, to have a copy of my letter to the President sent to him. This was done.

You are aware that when Gen. Logan made a speech against Gen. Porter, it was in opposition to a bill pending in Congress. He, like myself, was thoroughly convinced of the guilt of Gen. Porter, and was, therefore, opposed to the bill. His investigations, therefore, were necessarily to find arguments to sustain his side of a pending question. I have, of course, no knowledge of the papers he could refer to, or would examine, to find such

arguments, but I know he could have the testimony which was taken before the court-martial which convicted, probably also the arguments of the officer who acted as prosecutor when the case was before the Schofield Court, and arguments that have been made by lawyers J. D. Cox, and others possibly—all of which were made in opposition to Gen. Porter, as much as that of paid attorneys in cases of civil courts.

But, my investigation of all the facts that I could bring before me of the occurrences from the 27th of August, 1862, and for some little time prior to the 1st of September the same year, show, conclusively, that the court and some of the witnesses entirely misapprehended the position of the enemy on the 29th of August.

Gen. Porter was convicted of disobedience of an order of Gen. Pope's, dated at half-past four P. M. on the 29th of August, to attack the enemy on his right flank and in his rear if possible. Despatches of Gen. Pope, of that day, show that he knew Gen. Lee was coming to the support of Jackson, whom he thought commanded the only force in his front at that time, but that he could not arrive until the evening of the following day, or the morning of the day after. It was sworn to, before the court, that this order of 4.30 P. M., reached Gen. Porter at about five, or half-past five in the afternoon; but it must be recollected that this testimony was given from memory, and unquestionably, without any idea, at the time of the occurrence, that they were ever to be called upon to give any testimony in the case. Investigation shows a despatch from Gen. Porter, dated 6 P. M. of that afternoon, which makes no mention of having received the order to attack, and it is such a despatch as could not be written without mentioning the receipt of that order, if it had been received.

There is other testimony that makes it entirely satisfactory to my mind, that the order was not received until about sundown; or between sundown and dark. It was given, as stated before, to attack the enemy's right, and, if possible get into his rear. This was on the supposition that Jackson was then alone, as Pope had stated he would be until the evening of the next day, or the morning of the day following. I believe the court was convinced that, on the evening of the 29th of August, Jackson with his force was then alone; but now, it is proven, by testimony better than sworn evidence of any person on the Union side, that by eleven o'clock A. M. of the 29th, Longstreet was up and to the right of Jackson, with a force much greater than Gen. Porter's entire force. The attack upon Jackson's right and rear was, therefore, impossible without first wiping out the force of Longstreet. The order did not contemplate a night attack, and to have obeyed it, even if Longstreet had not been there, Gen. Porter would have been obliged to make a night attack. But, even as it was, I find that Gen. Porter, notwithstanding the late hour, did all he could to obey that order. He had previously given a command to Gen. Morrell, who commanded his most advanced division, or one most fronting the enemy, to throw out a strong skirmish line to engage the enemy or to keep him occupied, and,

on receipt of the order, although at this late hour, he immediately sent orders to Gen. Morrell to increase it from a skirmish line to a large force, and that he would be with him as soon as he could get there. He did actually go to the front; although it was dark, to superintend this movement, and as far as possible to prevent the enemy detaching anything from his front, thus showing a desire to obey the order strictly and to the best of his ability.

I find the Schofield Board acquit him entirely, but throw some censure upon him for having expressed a lack of confidence in his commanding officer. Such conduct might be censured, although if every man in the army had been punished, who had expressed lack of confidence in his superior officer, many of our best soldiers would have been punished. But, in fact, if this was not stated in the summing up of the case by the Board, I should have not found that he had expressed any such lack of confidence. On the contrary, to my mind now, he was zealous in giving a support to General Pope, and more so, possibly, for the reason that he knew among his former army associates there was a good deal of apprehension, to say the least, of his fitness for his new place. It must be recollected that General Pope was selected from a Western Army, and brought East to command where there were a great many generals who had experience in a previous war, and who had, like himself, a military education, and there may (improperly) have been a feeling that it was a reflection upon them to go out of their own command to find a suitable commander, and it is also very probable that expression was freely given without feeling. But, it would be well to reflect, what would have been the sentiment in the West, if an officer from the Eastern Army had been sent out to supersede all of them, and to command them, and whether or not there might not have been some harsh criticisms, even by men who proved to be among our most gallant and devoted commanders. Then, too, in re-examining the case, my attention was called again to General Pope's early order in taking command of the Army of Virginia. I send you a copy of this order. You will see that it was calculated to make the army to whom it was addressed feel that it was a reflection upon their former services and former commanders, from that of a company to the commander of the whole, and that even as amiable people as General Logan and myself are, would have been very apt to have made some very uncomplimentary remarks, if they had been addressed by an Eastern officer sent West to command over us in our field of duty.

I commenced reading up this case with the conviction that General Porter had been guilty, as found by the court, but come out of the investigation with a thorough conviction that I and the public generally, had done him a fearful injustice, and entirely satisfied that any intelligent man or lawyer, who will throw aside prejudice and examine the case as I have done, will come to the same conclusion.

As stated in my letter to the President, I feel it incumbent upon me in view of the positions that I have held heretofore and my failure then to do what I now wish I had done—to do all in my power to place General Porter right before the public and in future history, and to repair my own unintentional injustice.

I address this letter to you, knowing that you will have a desire to do just what your judgment dictates as being right in the matter, and that you will state to whomsoever it may seem to you proper and necessary my present convictions upon this case.

Very truly yours,

U. S. GRANT.

NEW YORK CITY, April 10, 1882.

The President :

To-morrow being "Cabinet day" and assuming that in all probability, whatever action you propose to take in the Fitz-John Porter case, will then be closed, I venture to address you once more on the subject. As I have before said verbally, and in writing, I take a very deep interest in this matter, because I deem myself somewhat responsible for the continuous punishment of an officer of high rank in the army whose innocence I am now as sure of as it is possible for one to be in human evidence. I do not ask you to change any views you may entertain about the case, but I would ask, if you cannot conscientiously recommend his case favorably to Congress, that you can refer to the report of the Advisory Board, its conclusions, and, if you choose, to what I have said and written since my recent review of the case, and leave Congress to act without the weight of Executive recommendation against it.

Very truly yours,

U. S. GRANT.

NEW YORK CITY, May 29, 1882.

Hon. J. D. CAMERON, U. S. S. :

DEAR SENATOR—I understand the bill for the relief of Gen. F. J. Porter will be called up to-morrow, if there is a session, if not, on the first meeting thereafter. I hope you will do all that is proper to expedite a hearing and vote in his case. My feeling in this matter is intensified by my thorough conviction of Porter's innocence of the charges upon which he was convicted and the fact that I am more or less responsible for the long delay in having justice—partial justice—done him. Logan made an able speech against Porter, believing him guilty, as I did at the time, but I do not believe he will benefit himself by renewing the attack, now that an

investigation, not only by an able and impartial board, acting as judges and not as defenders, unqualifiedly pronounce him innocent, but writers of history, free from prejudice or prejudiced against him, also so find.

If you can urge a vote this week, I will regard it as a special favor. The bill is a very mild one in comparison to what I think is due Porter; but perhaps it is better that it should be so.

Very truly yours,

U. S. GRANT.

NEW YORK CITY, October 23, 1882.

DEAR GENERAL—A note from Gen. McClellan, received since you were here this A. M., states that the editor of the *North American* can publish what I have to say about your case, if received by the 25th of this month—day after to-morrow. I did not take the papers with me yesterday, and to-day I have not had one minute to look at them. It is, therefore, very doubtful about my being able to submit the matter at so early a date.

Very truly yours,

U. S. GRANT.

Gen. F. J. PORTER.

NEW YORK CITY, Oct. 25, 1882.

DEAR GENERAL—With this I send you the matter prepared by me yesterday, touching upon the finding of the Court Marshal of 1862, when charges were against you. You are at liberty to do with it as you think best. I will suggest, however, that it does not appear to me worthy of a place in a magazine of the standing of the *North American Review*.

As you know, it was dictated from notes prepared hastily, and they were departed from largely. The subject has become so familiar to me recently that I think I have committed no error in the statement of facts. I am sorry that I did not have more time to prepare the article, but I have had my time so taken up with callers at my office since I consented to write this, that I rarely got an opportunity to look at the papers referring to your case until I took them home with me on Monday afternoon, and spent the evening over them. This must be my excuse for so limited amount of detail and other imperfections.

Very truly yours,

U. S. GRANT.

Gen. F. J. PORTER.

NEW YORK CITY, December 27, 1882.

DEAR GENERAL—I have just opened your letter of the 25th instant. Bragg is right in saying that your bill and mine should not go together. If any friend—or enemy—should be guilty of the bad taste of so associating the two bills I should certainly write or telegraph some friend to withdraw mine entirely. I care nothing about mine whatever. It will depend much upon the discussion that takes place in Congress whether I accept even if it does pass. In yours I feel a much deeper interest, and am ready to say now, that if yours can be advanced by laying mine “on the table” or withdrawing it, I am ready to ask it.

Very truly yours,
U. S. GRANT.

Gen. F. J. PORTER.

NEW YORK CITY, February 21, 1883.

DEAR GENERAL—I have your letter of this A. M. I beg you to give yourself no concern about the bill for my retirement. I care nothing about it; in fact, should be governed in my acceptance or declination of its benefits—if it were to pass and receive the signature of the President—by the discussion in Congress and comments by the public. Of course, I should esteem it a great compliment if Congress, with great unanimity, should pass this bill, should pass the bill before the House, and it should be received with favor by the public. Otherwise I would not accept. But even if I were anxious for the passage of the bill retiring me, I would not have it at the expense of one so deeply wronged as I now know you have been.

Yours truly,
U. S. GRANT.

Gen. F. J. PORTER.

DEAR SIR—I have hastily to-day drafted the inclosed, and without any papers before me to correct any statement that may lack a little in accuracy, I wish you would read it over, and if you see anything requiring change suggest it to me the first time you come to the City. If the letter is all right you can retain it as it is.

Yours truly,
U. S. GRANT.

Gen. F. J. PORTER.

NEW YORK, November 23, 1883.

Gen. F. J. PORTER, *Morristown* :

DEAR GENERAL—As there is some discussion now as to the probable reasons for my change of mind in regard to your case, now pending before

the people of the United States, I deem it proper that I should give them myself.

In the first place I never believed you to be a traitor, as many affected to believe. I thought I knew you too well to believe for one moment that you would accept the pay, rank and command you held for the purpose of betraying the cause you were professing to serve. Then, too, your services had been too conspicuous as a staff officer at the beginning of the war and as commander of troops later, to support such a theory for a moment.

But I did believe that General Pope was so odious to some of the officers in the East that a cordial support was not given him by them. I was disposed, too, to accept the verdict of a court-martial composed as the one which tried you was. Some of the members of that court I knew personally, and had great confidence in their judgment and justice. I supposed you had shared in this feeling towards Pope, and while not more guilty than others, you were unfortunate in being placed in a position where specifications could be made showing this hostility.

After the close of the war, when I was requested to read your new defense, I read it with the feeling above described. At the same time I read the other side as prepared—or furnished—by General Pope. This gave maps showing the positions of the two armies substantially as shown by the first of the diagrams presented by Mr. Lord, of San Francisco, from whom I copied the article in your case, and did not indicate the presence of any other force than Jackson's. Then, too, it appeared that you had actually received an order at about 5 or 5.30 in the afternoon of August 29, to attack the enemy's flank, and that too at a time when a fierce battle was raging in the front.

I was first shaken in my views, however, when such a man as General Terry—who unites the lawyer with the soldier—a man of high character and ability, and who had believed as I had, and possibly worse, after many weeks of investigation, should entirely vindicate you and be sustained too, by men of the known ability of his colleagues on the board. Until in 1881, when I re-examined for myself, my belief was that, on the 29th of August, 1862, a great battle was fought between General Pope, commanding the Union forces, and General Jackson, commanding the Confederate forces; that you, with a corps of twelve or more thousand men, stood in a position across the right flank of Jackson, and where you could easily get into his rear; that you received an order to do so about 5 or 5.30 o'clock, which you refused to obey because of clouds of dust in your front, which you contended indicated an enemy in superior force to you; that you allowed Pope to get beaten while you stood idly looking on, without raising an arm to help him. With this understanding, and without a doubt as to the correctness of it, I condemned you.

Now, on a full investigation of the facts, I find that the battle was fought on the 30th of August; that your corps, commanded directly by you in person, lost a greater percentage than any other corps engaged;

that the 4.30 order of the day before did not reach you until night-fall; that your immediate superior had cautioned you early in the day that you were too far out to the front then; that General Pope had cautioned you against bringing on an engagement except under such circumstances as he described, and that in any event you must be prepared to fall back behind Bull Run that night, where it would be necessary for you to be to receive supplies; that from eleven o'clock of the 29th you were confronted by a force of twice your own number, of whose presence you had positive proof, while General Pope did not know of it.

The last fact is shown by the wording of the 4.30 order. It directed you to attack the enemy's right and to get into his rear. General Pope's circular of the morning of the 29th said that General Lee was advancing by way of Thoroughfare Gap. At the rate at which he was moving he would be up the night of the 30th or the morning of the 31st.

In his testimony before the court-martial which tried you he said, under oath, that he did not know of the arrival of Lee's command until six o'clock of the 29th, an hour and a half after he had dictated the order for your attack.

His circular and testimony prove conclusively that Jackson, and Jackson alone, was the enemy he intended you to attack. Your knowledge of this fact, as well as of the fact that you had another force, quite double yours, in addition in your front, would have been sufficient justification for your not attacking, even if the order had been received in time. Of course this would not apply if a battle had been raging between Jackson and Pope. At the hour you received the order all was quiet.

This very short, hastily written and incomplete summary shows why and when my mind underwent a change. I have no doubt now but the change would have taken place in 1867 if I had then made an investigation. I regret now that I did not understand your case then as I do now. Your whole life since your trial, as well as your services before, disprove the great burden of the charges then sustained by a court-martial. As long as I have a voice it shall be raised in your support without any reference to the effect upon me or others. Your restoration to the army, simply, I would regard as a very inadequate and unjust reparation. While men—one at least—have been restored to the army because of their gallantry and wounds, after conviction and sentence, and when there is no doubt of their guilt are given all their pay for the years they were out of the service, I can see no reason for your having less.

I hope for you a thorough vindication, not only by Congress, but in the minds of your countrymen.

Faithfully yours,

U. S. GRANT.

WASHINGTON, D. C., March 27, 1884.

My Dear General PORTER :

Before the receipt of your letter of two or three days ago, I had seen General Slocum, and stated to him before I heard the object of his call, that I had thought of writing to you that I feared that the passage of your bill before the meeting of the Chicago Convention might embarrass the President. Slocum may have written to you. I have delayed writing because about the day before your letter was written, I had met the Secretary of State on the street—I in a carriage—and had some conversation with him. He said that he wanted to call in a day or two and have some conversation with me. He has not yet called. When he does I will find out, if I can, the fate your bill would probably meet if left with the President. I had hoped to meet the Secretary before this, and before writing to you. I will inform you or Slocum, or both if I get anything definite. I sincerely hope there can be no slip in your case this time, and although still on crutches will give it the best attention and efforts I can.

Very truly yours,

U. S. GRANT.

LONG BRANCH, July 4, 1884.

My Dear General PORTER :

You can scarcely conceive the pain it caused me to read the veto of your bill by the President yesterday. I was not prepared for it. His message is the merest sophistry. It is no doubt a great disappointment to you and your family, but I believe it will result ultimately in doing you fuller justice.

You were dismissed unjustly and you are entitled to restoration. That would make you a Major-General from the date of dismissal to the time of restoration. I want to see this final decision in your case.

Be of good cheer, and pray that justice may yet be done you and yours.

Faithfully yours,

U. S. GRANT.

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ADDENDA.

FORT SNELLING, MINN., November 19, 1882.

DEAR GENERAL—Will you permit me to express to you the very great gratification with which I have read your article in the *North American Review*? Dealing, as it does, with only the great essential points of Porter's case, and brushing aside as unworthy of serious notice all the petty sophistries with which his opponents have sought to confuse the public mind, it seems to me that it must carry conviction to every fair, unprejudiced man.

The questions involved in Porter's case are, of course, partly legal and partly military. Long ago the best legal authority of the country—such men as B. R. Curtis, Charles O'Connor and Daniel Lord—declared that the rules of law were violated by the conviction of Porter, even as the case stood before the court-martial; and now that the highest military authority of the nation has pronounced in his favor upon the military questions, what is there left for the Government and the people to do except to hasten to make such reparation as may yet be possible for the wrong which has been done?

As perhaps you may know, I once, like yourself, believed Porter to be guilty. I believed that he had committed a crime so great that mere human law could provide no adequate punishment for it. But when it became my duty to examine into the case carefully, I found that I had grossly erred. I found that instead of being a criminal he was a martyr.

So believing, it is a source of very great satisfaction to me that I have borne some small part in his vindication.

Looking back over the years that have elapsed since I entered the military service, I find nothing that gives me so much pleasure as the fact that I have had some part in that vindication, and I can think of nothing in the future which would be so grateful to me as to be able to do something more in behalf of one who has suffered so grievously and unjustly. While I feel thus, you may imagine the gratification with which I find that the opinion which I now entertain, that what I believe to be the cause of truth, of right, and of justice, is so strongly supported by yourself; and you will pardon me, I am sure, for expressing to you my feelings.

Very sincerely and respectfully,

ALFRED H. TERRY.

General U. S. GRANT, New York.



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